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~~43~~. A method according to claim ¹⁷~~26~~ wherein the condition which is ameliorated by antagonism of 5-HT₃ receptors is reflux oesophagitis.--

³⁴
~~44~~. A method according to claim ³³~~43~~ wherein the compound of formula (I) is 2,3,4,5-tetrahydro-5-methyl-2[(5-methyl-1H-imidazol-4-yl)methyl]-1H-pyrido[4,3-b]indol-1-one or a physiologically acceptable salt or solvate thereof.--

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~~45~~. A method according to claim ³³~~43~~ wherein the compound of formula (I) is 2,3,4,5-tetrahydro-5-methyl-2[(5-methyl-1H-imidazol-4-yl)methyl]-1H-pyrido[4,3-b]indol-1-one hydrochloride.--

REMARKS

Applicants note with appreciation that the only outstanding issues are the rejection of claims 1-12, 22-38 and 40-42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 and 7-15 of U.S. Patent No. 5,183,820, and the requirement for a more specific title. As noted above, applicants have replaced the original title with a title which is believed to accurately reflect the subject matter being claimed.

In addition, Applicants submit herewith a Terminal Disclaimer and a fee in the amount of \$110.00 which is in full compliance with 37 CFR §1.321(b). As noted in the Official Action, the submission of a properly executed Terminal Disclaimer would overcome the rejection, and it is therefore most respectfully requested that this rejection be withdrawn.

Upon a review of the file, applicants noted that there were no claims directed to the treatment of reflux oesophagitis by the compounds and compositions of the invention, and have accordingly added claims 43-45 to such methods. These claims are fully supported by applicants' specification at page 6, line 25, and entry and allowance thereof are therefore most respectfully requested.

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In view of the present submission of a properly executed Terminal Disclaimer, and in view of the amendment to the title requested by the Examiner, all of the claims in the application (claims 1-12, 22-38, 40-45) are believed to be in full condition for allowance, and early notification thereof is most respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard E. Fichter".

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